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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09,846,233	05 02 2001	Benjamin Bikson	D-21105	7389

7590

05 08 2002

PRAXAIR, INC.
LAW DEPT - M1557
39 OLD RIDGEBURY ROAD
DANBURY, CT 06810-5113

EXAMINER

SPITZER, ROBERT H

ART UNIT	PAPER NUMBER
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1724

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DATE MAILED: 05 08 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,233

Applicant(s)

Bikson et al.

Examiner

Robert H. Spitzer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other: _____

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DETAILED ACTION

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The abstract of the disclosure is objected to because of the use of the legal phraseology of "said". Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. Claim 1 is indefinite because it has letters (e) through (h), but has no letters (a) through (d), thus, the Examiner does not know whether the claim is complete. Further in claim 1, line 30 ends in a period, with additional text thereafter. The period should be changed to either a comma or semi-colon. Also in lines 32 and 34, "the said" should not be used together as each word, individually, has a different in the writing of claims. Claim 3 is indefinite because it recites "product outlet port", without any correlation to the identical recitation in claim 1. Claim 8 is indefinite because of the use of "the said" in lines 1 and 3. Claim 13 is indefinite because the cartridge is not connected "by a thread", but rather by "a threaded connection" or "threads". Claim 15 is indefinite because in lines 5 and 6, there is no direct antecedent basis for the recitation of "said filtration cartridge". Claim 18 is indefinite because in line 3, there is no direct antecedent basis for the recitation of "the terminal tubesheets". Claim 26 is indefinite because as it recites elements (f) through (j), the Examiner does not know whether there is missing structure, i.e., elements (a) through (e). Claim 26 is also indefinite because of the use of "the said" (see claim 8 above), and because in line 24, there is no direct antecedent basis for the recitation of "said bundle body". Claim 31 is indefinite because it recites "hollow fiber membranes" without any correlation to the identical recitation in claim 26. Claim 33 is indefinite because it depends from non-existent claim 38 and because of the use of "the said" in line 3. The remaining claims depend from the above indefinite claims and are indefinite for that reason.

6. Claims 1-35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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7. The references listed on both the PTO-1449 and the PTO-892 show art of interest, with the check-marked reference having been cited by Applicants in their specification.

8. As allowable subject matter has been indicated, the following editorial changes should be made in response to this Office action: page 8, lines 11 and 14, delete either "the" or "said" in "the said"; page 9, lines 6 and 8, delete either "the" or "said" in "the said"; page 19, line 23, "208" should be "308"; claim 19, line 2, "incased" should be "encased"; and, page 35, line 1, "OF THE DISCLOSURE" should be inserted after "ABSTRACT", and in line 19, "liner" should be "linear".

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (703) 308-3794. The examiner can normally be reached on Monday-Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Simmons, can be reached on (703) 308-1972. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 and for After Final communications the fax number is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Robert H. Spitzer

May 6, 2002

Robert H. Spitzer
ROBERT H. SPITZER
PRIMARY EXAMINER
T.C. 1707
May 6, 2002